

1653/8
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jugen Markl, et al.)
Serial No.: 10/049,988) Attorney Docket:
Filing Date: July 15, 2002) GKS-102.0
For: NUCLEIC ACID MOLECULE) 7911/86349
COMPRISING A NUCLEIC ACID)
SEQUENCE WHICH CODES FOR A)
HAEMOCYANIN, AND COMPRISING) Group Art Unit:
AT LEAST ONE INTRON SEQUENCE) 1653
Examiner: Suzanne Marie Mayer)

ELECTION

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is in response to the Requirement for Restriction mailed November 12, 2004, for which a Petition for an Extension of Time and its fee are enclosed. Claim Group VIII that includes claims 25-35 and 38-42 related to peptides of *Megathura crenulata* is hereby elected. The amino acid sequence of domain c of KLH2 as recited in SEQ ID NO: 75 is hereby elected with partial traverse.

The partial traverse is in regard to the requirement for selection of a partial protein sequence as compared to the entire sequence from domain b through domain h as is recited in

claim 32 and shown in Fig. 11. It is submitted that the entire KLH2 protein, like almost every other protein, has sequence portions that differ immunologically from each other. Nevertheless, the protein is a complete entity. It should be treated as an entity for restriction purposes, in that it is used in its entirety for immunological purposes, rather than the individual domains being used separately. It is therefore submitted that the sequence for the election should be that of Fig. 11, or those of claim 32 that have the same information in smaller pieces.

It is further submitted that Group VI claims 25-35 and 38-42 directed to peptides from *Haliotis tuberculata* should be joined with those above in that the proteins are orthologs that share high homologies over all of the domains. Thus, using PCR primers from HtH2, the inventors were able to obtain the sequences of KLH2. Those two proteins share an inventive concept and their examination should be joined. Indeed, a search for one would overlap the search for the other.

It is believed that this application is in condition for an action on the merits and for allowance of all of the claims. An early notice to that effect is earnestly solicited.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,


By 
Edward P. Gamson, Reg. No. 29,381

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Enclosure
Petition and fee

CERTIFICATE OF MAILING

I hereby certify that this Election along with a Petition for an Extension of Time and its fee are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 11, 2005.

By 
Edward P. Gamson